2254 ✓ 1983
FILING FEE PAID
Yes ___ No ✓
IFP MOTION FILED
Yes ___ No ✓
COPIES SENT TO
Court ✓ ProSe ___

FILED
AUG 2 9 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY ___ DEPUTY

MC-275

Name RAY SAPP (JR)

Address 446 Alta Road, Suite 5300

San Diego, California 92158

CDC or ID Number BK NO. County Jail #6465306

U.S.D.C. Souther District of California
Office of the Clerk 880 Front Street, Suite 4290
(Court) San Diego California 92101-8900

RAY SAPP JR Petitioner vs. Respondent Sgt. Justin White / D.V. Invest.	PETITION FOR WRIT OF HABEAS CORPUS No. '08 CV 1604 W LSP (To be supplied by the Clerk of the Court)

INSTRUCTIONS—READ CAREFULLY

- **If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.**
- **If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.**

- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under rule 8.380 of the California Rules of Court [as amended effective January 1, 2007]. Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

American LegalNet, Inc.
www.FormsWorkflow.com

MC-275

This petition concerns: ✓ Life threatening charges he filed on me 12-27-06

- [ ] A conviction
- [ ] Parole
- [ ] A sentence
- [ ] Credits
- [x] Jail or prison conditions
- [ ] Prison discipline
- [x] Other *(specify)*: Misconduct, slandering statements, discriminating testimonys i was charged with in East county courts on 8-21-08..

1. Your name: Ray Sapp (Jr)
2. Where are you incarcerated? S.D. County Jail
3. Why are you in custody? [x] Criminal Conviction [ ] Civil Commitment

Answer subdivisions a. through i. to the best of your ability.

a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

Assult with great bodily injuries

b. Penal or other code sections: ? East county court. No court transcripts.

c. Name and location of sentencing or committing court: Courtroom 17 East county courts

d. Case number: ? East county court neglected to send me court transcripts

e. Date convicted or committed: 8-21-08 convicted

f. Date sentenced: 8-21-08,

g. Length of sentence: 7 year with half time.

h. When do you expect to be released? ?

i. Were you represented by counsel in the trial court? [x] Yes. [ ] No. If yes, state the attorney's name and address:

Allan Williams 2650 Jamacha Road #147-106 Elcajon, California 92019
Ph (619) 593-3790

4. What was the LAST plea you entered? *(check one)*

[ ] Not guilty [x] Guilty [ ] Nolo Contendere [ ] Other: ______

5. If you pleaded not guilty, what kind of trial did you have?

[ ] Jury [ ] Judge without a jury [ ] Submitted on transcript [ ] Awaiting trial

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6. GROUNDS FOR RELIEF

Ground 1: State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." *(if you have additional grounds for relief, use a separate page for each ground. State ground 2 on page four. For additional grounds, make copies of page four and number the additional grounds in order.)*

Damaging my property in trailer on 12-27-06, broke picture of Jesus last supper my wife severly cut her hand because of [Sgt. Justin White's search, and negligence during his search of a domest violence compliant.. Lucia Sapp went to gross mont hospital for treatment.. "Several items were confiscated..

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon which your conviction is based. *If necessary, attach additional pages.* CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is: *who* did exactly *what* to violate your rights at what time *(when)* or place *(where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)*

"My arrest [12-27-06] for domestic violence by S.D. Sheriff, and Sgt. Justin White sent me to jail. The discrimination charges that i am charged of i have suffered because of the severness ongoing harm, and mental and emotional injurys that Sgt. Justin White [falsely accused me of that put my life in harms way in county jail.. Sgt Justin White violated my Eighth Amendment when the act with deliberate indifference to a jail condition that exposes a inmate to an "unreasonable [risk of serious harm] because of the false charges Sgt. Justin White accuse me of with life threatening accusation, and fatal terrifying attempts to indanger my life.. The LTD of George Bailey placed me into a so called (honor module).. I plead guilty to assault with great bodily injury 8-21-08 Elcajon court.. "I have not recieved any court transcripts from [Dept 17] East county courts.. Please help..

b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

Violation of my (Eighth Amendment) [42 1983] - 14th Amendment
[Helling v. McKinney, 509 U.S. 25 (1993). [Rhodes v. Chapman, 452 U.S. 337 346 (1981)].. [Barney v. Pulsipher, 143 F.3d 1299, 1311] (10th Cir 1998)..
[Vance v. Peters, 97 F.3d 987 (7th Cir. 1996)]

7. **Ground 2 or Ground** 2 *(if applicable)*: **MC–275**

"My life is in harm way because of the charges that SGT Justin White charged me with.. These charges are so serious i will not put them in this petition.. Please contact court room 17 for investigation, and the June 23-27-08 trail that was a miss trail.. My life is in great jeopardy while incarcerated in County Jail for 20 months. I suffer life time slandering misconduct,

a. Supporting facts: S.D. Sheriff, and SGT Justin White Domestic Violence investigator the both were at my pre-lim that exsposed the harmfull charges i have fearfull lived with while incarcerated in high power module. "Even mail or respones to petition from courts would be exposed by deputys handling mail that pushed underneath my cell door.. Holding tanks, and attorney visit while at Elcajon court were open to inmates in Elcajon court in hallway of court house chained to table with many more tables that exposed my conference with my attorney Allan Williams that were unprotected in hallway. with [inmates, and attorneys ease dropping. listening to our conversations. "Privacy Act" in violation, and Elcajon courts violated me, and my attorneys rights with "no" private room to talk to my attorney about my Domestic Violence case with (5) other-pending charges that were very serious felonies, and strikes i have... From 12-27-06 my life was in harms way due to the false charges that SGT. Justin Whites filed on me.. 20 months of mental anguish with felony charges pending. SGT. Justin White & Carol J Flores lyed on stand in East county about terrifying charges ive lived with for 20 months.

b. Supporting cases, rules, or other authority:

See Agyeman V. INS, 296 F.3d 871 (9th Cir 2002)

"42 U.S.C. A § 1997E(c)(A)

Thompson V. Carter, 284 F.3d 411 (2d Cir 2002)

Harris V. Garner, 190 F.3d 1279 (11th Cir 1999)

Calhoun V DeTella, 319 F.3d 936 (7th Cir 2003)

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8. Did you appeal from the conviction, sentence, or commitment? ☐ Yes. ☑ No. If yes, give the following information:
   a. Name of court ("Court of Appeal" or "Appellate Dept. of Superior Court"):
   b. Result N/A c. Date of decision:
   d. Case number or citation of opinion, if known:
   e. Issues raised: (1) N/A
   (2)
   (3)
   f. Were you represented by counsel on appeal? ☐ Yes. ☐ No. If yes, state the attorney's name and address, if known:
   N/A

9. Did you seek review in the California Supreme Court? ☐ Yes ☐ No. If yes, give the following information:
   a. Result b. Date of decision:
   c. Case number or citation of opinion, if known: N/A
   d. Issues raised: (1)
   (2)
   (3)

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:
    N/A

11. Administrative Review:
   a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500 [125 Cal.Rptr. 286].) Explain what administrative review you sought or explain why you did not seek such review:
   Petition Habeas Corpus against Sgt. Justin White Domestic Violence investigator S.D.. I sent Habeas Corpus ies to central About the Sheriff's criminal misconduct on 12-27-06 during my arrest.. "The county jail grievances do not cover my civil compliant against Sgt. Justin White, and his degrading charges, and accusations i have suffered while waiting trial, and waiting court Admin Remedies I am unable to file a grievance through no fault of my own.. Admin Remedies i seek.. S.D. county Domestic Violence investigators..
   b. Did you seek the highest level of administrative review available? ☐ Yes. ☑ No.
   Attach documents that show you have exhausted your administrative remedies.

MC-275

12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court? ☐ Yes. If yes, continue with number 13. ☑ No. If no, skip to number 15.

13. a. (1) Name of court:

(2) Nature of proceeding (for example, "habeas corpus petition"):

(3) Issues raised: (a)

(b)

(4) Result *(Attach order or explain why unavailable)*: N/A

(5) Date of decision:

b. (1) Name of court:

(2) Nature of proceeding:

(3) Issues raised: (a) N/A

(b)

(4) Result *(Attach order or explain why unavailable)*:

(5) Date of decision:

c. *For additional prior petitions, applications, or motions, provide the same information on a separate page.*

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:

Charles Irvin Pre lim / witnesses Sgt. Justin White, and East County courts..

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

My Domestic Violence was changed to Assault with great bodily injury on 8-21-08 at court 17 East County courts.. No transcripts..

16. Are you presently represented by counsel? ☒ Yes. ☐ No. If yes, state the attorney's name and address, if known:

Allan Williams (619) 597-3790

17. Do you have any petition, appeal, or other matter pending in any court? ☑ Yes. ☐ No. If yes, explain:

Jails medical system Division, Under the Sheriffs authority, and many policies, and practicies have constituted deliberate in differences 8th Amend, Violation.

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

"Pennhurst State School & Hosp. V Halderman, 465 U.S. 89 (1984.. I am sue-ing Sgt. Justin White for (Neglect & discrimination & Slander.. Negligence.

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: 8-27-08

▶ Ray Sapp
(SIGNATURE OF PETITIONER)

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

2254 1983

FILING FEE PAID
Yes ___ No ✓

IFP MOTION FILED
Yes ___ No ___

COPIES SENT TO
Court ___ Pro Se ___

FILED

AUG 2 9 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY ___ DEPUTY

I (a) PLAINTIFFS

Ray Sapp Jr.

DEFENDANTS

Justin White

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Ray Sapp Jr.
446 Alta Road, Suite 5300
San Diego, CA 92158
6465306

ATTORNEYS (IF KNOWN)

'08 CV 1604 W LSP

II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX (For Diversity Cases Only) FOR PLAINTIFF AND ONE BOX FOR DEFENDANT

	PT	DEF		PT	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business in This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business in Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

28 U.S.C. 2254

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT
- ☐ 110 Insurance
- ☐ Marine
- ☐ Miller Act
- ☐ Negotiable Instrument
- ☐ 150 Recovery of Overpayment &Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- ☐ 153Recovery of Overpayment of Veterans Benefits
- ☐ 160 Stockholders Suits
- ☐ Other Contract
- ☐ 195 Contract Product Liability

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Eiectmant
- ☐ 240 Tort to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury

PERSONAL INJURY
- ☐ 362 Personal Injury-Medical Malpractice
- ☐ 365 Personal Injury - Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/Accommodations
- ☐ 444 Welfare
- ☐ 440 Other Civil Rights

PRISONER PETITIONS
- ☐ 510 Motions to Vacate Sentence Habeas Corpus
- ☒ 530 General
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights

FORFEITURE/PENALTY
- ☐ 610 Agriculture
- ☐ 620 Other Food & Drug
- ☐ 625 Drug Related Seizure of Property 21 USC881
- ☐ 630 Liquor Laws
- ☐ 640 RR & Truck
- ☐ 650 Airline Regs
- ☐ 660 Occupational Safety/Health
- ☐ 690 Other

LABOR
- ☐ 710Fair Labor Standards Act
- 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt. Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (13958)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS - Third Party 26 USC 7609

OTHER STATUTES
- ☐ 400 State Reappointment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce/ICC Rates/etc.
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities Exchange
- ☐ 875 Customer Challenge 12 USC
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900 Appeal of Fee Determination Under Equal Access to Justice
- ☐ 950 Constitutionality of State
- ☐ 890 Other Statutory Actions

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appelate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23 DEMAND $ Check YES only if demanded in complaint: JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE Docket Number

DATE 8/29/2008 ~~SIGNATURE OF ATTORNEY OF RECORD~~

[signature]